

Senate Amendment 3536

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1 1 Amend the House amendment, S=3532, to Senate File
1 2 601, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 2, by inserting after line 15 the
1 5 following:
1 6 <#____. Page 23, by striking line 35 and inserting
1 7 the following:
1 8 <..... \$ 14,200,000>
1 9 #2. Page 2, by inserting after line 17 the
1 10 following:
1 11 <#____. Page 26, by inserting after line 34 the
1 12 following:
1 13 <Sec. _____. The section of 2007 Iowa Acts, House
1 14 File 641, which is titled "processing of installment
1 15 agreements", and which refers to section 602.8107,
1 16 subsection 4, and allocates moneys to the judicial
1 17 branch, if enacted, is repealed.>>
1 18 #3. Page 2, by striking lines 18 and 19.
1 19 #4. Page 5, by inserting after line 39 the
1 20 following:
1 21 <#____. Page 35, by inserting after line 13 the
1 22 following:
1 23 <Sec. _____. NEW SECTION. 7D.16 ALCOHOLIC
1 24 BEVERAGES IN STATE CAPITOL OR ON COMPLEX GROUNDS.
1 25 Notwithstanding any contrary provision of law
1 26 prohibiting the use and consumption of alcoholic
1 27 beverages in a public place, the executive council may
1 28 authorize, by resolution, the temporary use and
1 29 consumption of alcoholic beverages, as defined in
1 30 section 123.3, in the state capitol or on the state
1 31 capitol complex grounds, as if the state capitol or
1 32 state capitol complex grounds were a private place.
1 33 The authorization by resolution shall be limited to
1 34 the use and consumption of alcoholic beverages as an
1 35 accompaniment to food at a single award ceremony,
1 36 social event, or other occasion deemed appropriate by
1 37 the executive council. The authorization shall
1 38 require that the person providing the food and
1 39 alcoholic beverages possess an appropriate liquor
1 40 control license in accordance with section 123.95.
1 41 The secretary of the executive council shall inform
1 42 the director of the department of administrative
1 43 services of the approval of any such resolution.>>
1 44 #5. Page 7, by inserting after line 2 the
1 45 following:
1 46 <#____. By striking page 45, line 24, through page
1 47 46, line 7, and inserting the following:
1 48 <272.27 STUDENT TEACHING AND OTHER EDUCATIONAL
1 49 EXPERIENCES.
1 50 If the rules adopted by the board of educational
2 1 examiners for issuance of any type or class of license
2 2 require an applicant to complete work in student
2 3 teaching, an accredited college or university located
~~2 4 within the state of Iowa and states conterminous with~~
~~2 5 Iowa may offer a program or programs of teacher~~
~~2 6 education approved by the director of the department~~
~~2 7 of education or the appropriate authority in states~~
~~2 8 conterminous with Iowa by entering prestudent teaching~~
~~2 9 experiences, field experiences, practicums, clinicals,~~
~~2 10 or internships, an institution with a practitioner~~
~~2 11 preparation program approved by the state board of~~
~~2 12 education under section 256.7, subsection 3, shall~~
~~2 13 enter into a written contract with any accredited~~
~~2 14 school district or private, accredited nonpublic~~
~~2 15 school, preschool registered or licensed by the~~
~~2 16 department of human services, or area education agency~~
~~2 17 in Iowa under terms and conditions as agreed upon by~~
~~2 18 the contracting parties. The terms and conditions of~~
~~2 19 a written contract entered into with a preschool~~
~~2 20 pursuant to this section shall provide that a student~~
~~2 21 teacher be under the direct supervision of an~~
~~2 22 appropriately licensed cooperating teacher who is~~
~~2 23 employed to teach at the preschool. Students actually~~
~~2 24 teaching or engaged in preservice licensure activities~~

2 25 in a school district under the terms of such a
2 26 contract are entitled to the same protection, under
2 27 section 670.8, as is afforded by that section to
2 28 officers and employees of the school district, during
2 29 the time they are so assigned.

2 30 Sec. _____. Section 279.13, subsection 1, paragraph
2 31 b, if enacted by 2007 Iowa Acts, Senate File 277,
2 32 section 11, is amended to read as follows:

2 33 b. (1) Prior to entering into an initial contract
2 34 with a teacher who holds a license other than an
2 35 initial license issued by the board of educational
2 36 examiners under chapter 272, the school district shall
2 37 either request the division of criminal investigation
2 38 of the department of public safety to conduct a
2 39 background investigation of the applicant or request a
2 40 qualified background screening company accredited by
2 41 the national association of professional background
2 42 check screeners to conduct a background check on the
2 43 applicant. ~~The~~

2 44 (2) ~~If the school district submits a request to~~
2 45 ~~the division of criminal investigation pursuant to~~
2 46 ~~subparagraph (1), the school district shall require~~
2 47 ~~the teacher to submit a completed fingerprint packet,~~
2 48 ~~which shall be used to facilitate a national criminal~~
2 49 ~~history check. The school district shall submit the~~
2 50 ~~packet to the division of criminal investigation of~~
3 1 ~~the department of public safety which shall conduct a~~
3 2 ~~thorough background investigation of the teacher. The~~
3 3 ~~superintendent of a school district or the~~
3 4 ~~superintendent's designee shall have access to and~~
3 5 ~~shall review the sex offender registry information~~
3 6 ~~under section 692A.13, the central registry for child~~
3 7 ~~abuse information established under section 235A.14,~~
3 8 ~~and the central registry for dependent adult abuse~~
3 9 ~~information established under section 235B.5 for~~
3 10 ~~information regarding applicants for employment as a~~
3 11 ~~teacher.~~

3 12 (3) ~~If the school district submits a request to a~~
3 13 ~~qualified background screening company pursuant to~~
3 14 ~~subparagraph (1), the background check shall include a~~
3 15 ~~national criminal history check, a review of the sex~~
3 16 ~~offender registry information under section 692A.13,~~
3 17 ~~the central registry for child abuse information~~
3 18 ~~established under section 235A.14 as the~~
3 19 ~~superintendent's designee under section 235A.15, and~~
3 20 ~~the central registry for dependent adult abuse~~
3 21 ~~information established under section 235B.5 as the~~
3 22 ~~superintendent's designee under section 235B.6 for~~
3 23 ~~information regarding applicants for employment as a~~
3 24 ~~teacher.~~

3 25 (4) The school district may charge the teacher a
3 26 fee for the background investigation, which shall not
3 27 exceed the fee charged by the division of criminal
3 28 investigation for conducting the background
3 29 investigation.>>

3 30 #6. Page 9, by inserting after line 6 the
3 31 following:

3 32 <#____. Page 96, by inserting after line 31 the
3 33 following:

3 34 <DIVISION ____
3 35 ABSENTEE BALLOT AFFIDAVITS

3 36 Sec. _____. Section 39A.4, subsection 1, paragraph
3 37 c, subparagraphs (11) and (12), Code 2007, as amended
3 38 by 2007 Iowa Acts, House File 848, section 20, are
3 39 amended to read as follows:

3 40 (11) Returning a voted absentee ballot, by mail or
3 41 in person, to the commissioner's office and the person
3 42 returning the ballot is not the voter, ~~an immediate~~
3 43 ~~family member authorized by the voter to return the~~
3 44 ~~ballot, an absentee ballot courier the voter's~~
3 45 ~~designee, or a special precinct election official~~
3 46 ~~designated pursuant to section 53.22, subsection 1, or~~
3 47 ~~the designee of a voter described in section 53.22,~~
3 48 ~~subsection 5.~~

3 49 (12) Making a false or untrue statement reporting
3 50 that a voted absentee ballot was returned to the
4 1 commissioner's office, by mail or in person, by a
4 2 person other than the voter, ~~an immediate family~~
4 3 ~~member authorized by the voter to return the ballot,~~
4 4 ~~an absentee ballot courier the voter's designee, or a~~
4 5 special precinct election official designated pursuant

4 6 to section 53.22, subsection 1, ~~or the designee of a~~
4 7 ~~voter described in section 53.22, subsection 5.~~

4 8 Sec. _____. Section 53.8, subsection 2, Code 2007,
4 9 as amended by 2007 Iowa Acts, House File 848, section
4 10 25, is amended to read as follows:

4 11 2. a. The commissioner shall enclose with the
4 12 absentee ballot a statement informing the applicant
4 13 that the sealed carrier envelope may be mailed to the
4 14 commissioner by the registered voter or the voter's
4 15 designee or may be personally delivered to the
4 16 commissioner's office by the registered voter or the
4 17 voter's designee. The statement shall also inform the
4 18 voter that the voter may request that the voter's
4 19 designee complete a receipt when retrieving the ballot
4 20 from the voter. A blank receipt shall be enclosed
4 21 with the absentee ballot.

4 22 b. If an application is received so late that it
4 23 is unlikely that the absentee ballot can be returned
4 24 in time to be counted on election day, the
4 25 commissioner shall enclose with the absentee ballot a
4 26 statement to that effect. ~~The statement shall also~~
4 27 ~~point out that it is possible for the applicant, an~~
4 28 ~~immediate family member of the applicant, or the~~
4 29 ~~applicant's designee if the absentee ballot is voted~~
4 30 ~~by a voter described in section 53.22, subsection 5,~~
4 31 ~~to personally deliver the completed absentee ballot to~~
4 32 ~~the office of the commissioner at any time before the~~
4 33 ~~closing of the polls on election day. The statement~~
4 34 ~~shall also point out that it is possible for an~~
4 35 ~~absentee ballot courier to personally deliver the~~
4 36 ~~completed absentee ballot to the office of the~~
4 37 ~~commissioner within seventy-two hours of retrieving~~
4 38 ~~the completed ballot or before the closing of the~~
4 39 ~~polls on election day, whichever is earlier.~~

4 40 Sec. _____. Section 53.10, unnumbered paragraph 2,
4 41 Code 2007, is amended to read as follows:

4 42 Each person who wishes to vote by absentee ballot
4 43 at the commissioner's office shall first sign an
4 44 application for a ballot including the following
4 45 information: name, current address, and the election
4 46 for which the ballot is requested. The person may
4 47 report a change of address or other information on the
4 48 person's voter registration record at that time. The
4 49 registered voter shall immediately mark the ballot;
4 50 enclose the ballot in a secrecy envelope, if
5 1 necessary, and seal it in ~~a ballot an affidavit~~
5 2 ~~envelope; subscribe to the affidavit on the reverse~~
5 3 ~~side of the envelope; and return the absentee ballot~~
5 4 ~~to the commissioner. The commissioner shall record~~
5 5 ~~the numbers appearing on the application and ballot~~
5 6 ~~affidavit envelope along with the name of the~~
5 7 ~~registered voter.~~

5 8 Sec. _____. Section 53.17, subsection 1, paragraph
5 9 a, Code 2007, as amended by 2007 Iowa Acts, House File
5 10 848, section 27, is amended by striking the paragraph
5 11 and inserting in lieu thereof the following:

5 12 a. The sealed carrier envelope may be delivered by
5 13 the registered voter, by the voter's designee, or by
5 14 the special precinct election officials designated
5 15 pursuant to section 53.22, subsection 1, to the
5 16 commissioner's office no later than the time the polls
5 17 are closed on election day. However, if delivered by
5 18 the voter's designee, the envelope shall be delivered
5 19 within seventy-two hours of retrieving it from the
5 20 voter or before the closing of the polls on election
5 21 day, whichever is earlier.

5 22 Sec. _____. Section 53.17, subsection 1, paragraphs
5 23 b and c, Code 2007, are amended to read as follows:

5 24 b. The sealed carrier envelope may be mailed to
5 25 the commissioner by the registered voter, ~~by an~~
5 26 ~~immediate family member of the voter, or by the~~
5 27 ~~voter's designee if the ballot is voted by a voter~~
5 28 ~~described in section 53.22, subsection 5. If mailed~~
5 29 ~~by the voter's designee, the envelope must be mailed~~
5 30 ~~within seventy-two hours of retrieving it from the~~
5 31 ~~voter or within time to be postmarked not later than~~
5 32 ~~the day before the election, whichever is earlier.~~

5 33 c. ~~The sealed carrier envelope may be delivered to~~
5 34 ~~the commissioner by an absentee ballot courier, but~~
5 35 ~~only as provided in subsection 4.~~

5 36 Sec. _____. Section 53.17, subsection 4, Code 2007,

5 37 is amended by striking the subsection and inserting in
5 38 lieu thereof the following:

5 39 4. When a person designated by the voter retrieves
5 40 a completed absentee ballot from the voter, the
5 41 designee shall, upon request of the voter, fill out a
5 42 receipt to be retained by the voter. The state
5 43 commissioner shall prescribe a form for receipts
5 44 required by this subsection. The receipt shall
5 45 include all of the following:

- 5 46 a. The name of the voter's designee.
- 5 47 b. The date and time the completed absentee ballot
5 48 was received from the voter.
- 5 49 c. The name and date of the election for which the
5 50 absentee ballot is being voted.
- 6 1 d. The name of the political party, candidate, or
6 2 committee for which the designee is acting as an
6 3 actual or implied agent, if applicable.
- 6 4 e. A telephone number at which the voter's
6 5 designee may be contacted.
- 6 6 f. A statement that the completed absentee ballot
6 7 will be delivered to the commissioner's office within
6 8 seventy-two hours of retrieving it from the voter or
6 9 before the closing of the polls on election day,
6 10 whichever is earlier, or that the completed absentee
6 11 ballot will be mailed to the commissioner within
6 12 seventy-two hours of retrieving it from the voter or
6 13 within time to be postmarked not later than the day
6 14 before the election, whichever is earlier.

6 15 Sec. _____. Section 53.17, subsection 5, Code 2007,
6 16 is amended by striking the subsection.

6 17 Sec. _____. Section 53.18, Code 2007, is amended to
6 18 read as follows:

6 19 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION
6 20 == REVIEW OF AFFIDAVIT == REPLACEMENT BALLOTS.

~~6 21 1. Upon receipt of When the return carrier
6 22 envelope containing the completed absentee ballot is
6 23 received by the commissioner, the commissioner shall
6 24 at once record the number appearing on the application
6 25 and return carrier envelope and time of receipt of
6 26 such ballot and attach the elector's application to
6 27 the unopened envelope. Absentee ballots shall be
6 28 stored in a secure place until they are delivered to
6 29 the absentee and special voters precinct board.~~

~~6 30 2. If the commissioner receives the return carrier
6 31 envelope containing the completed absentee ballot by
6 32 five p.m. on the Saturday before the election for
6 33 general and primary elections and by five p.m. on the
6 34 Friday before the election for all other elections,
6 35 the commissioner shall open the envelope to review the
6 36 affidavit for any deficiencies. If the affidavit
6 37 contains a deficiency that would cause the ballot to
6 38 be rejected, the commissioner shall, within
6 39 twenty-four hours of the time the envelope was
6 40 received, notify the voter of that fact and that the
6 41 voter may correct the deficiency by five p.m. on the
6 42 day before the election.~~

~~6 43 3. If the affidavit envelope is open when received
6 44 by the commissioner, or has been opened and resealed,
6 45 or if the ballot is not enclosed in the affidavit
6 46 envelope, the commissioner shall immediately notify
6 47 the voter of that fact and that the voter's absentee
6 48 ballot shall not be counted unless the voter applies
6 49 for a replacement ballot and returns the replacement
6 50 ballot in the time permitted under section 53.17,
7 1 subsection 2. The replacement ballot application
7 2 shall be the same as is required for an application
7 3 under section 53.2. If the information on the
7 4 replacement ballot application matches the information
7 5 on the original application, the voter shall be
7 6 allowed to complete a replacement absentee ballot. The
7 7 same serial number that was assigned to the records of
7 8 the original absentee ballot application shall be used
7 9 on the envelope and records of the replacement ballot.
7 10 The affidavit envelope containing the completed
7 11 replacement ballot shall be marked "Replacement
7 12 ballot". The affidavit envelope containing the
7 13 original ballot shall be marked "Defective ballot" and
7 14 the replacement ballot and replacement ballot
7 15 application shall be attached to the original
7 16 application and affidavit envelope containing the
7 17 original ballot and shall be stored in a secure place~~

7 18 until they are delivered to the absentee and special
7 19 voters precinct board, notwithstanding sections 53.26
7 20 and 53.27.

7 21 4. The state commissioner of elections shall adopt
7 22 rules for implementation of this section.

7 23 Sec. _____. Section 53.19, unnumbered paragraph 3,
7 24 Code 2007, is amended to read as follows:

7 25 However, any registered voter who has received an
7 26 absentee ballot and not returned it may surrender the
7 27 absentee ballot to the precinct officials and vote in
7 28 person at the polls. The precinct officials shall
7 29 mark the uncast absentee ballot "void" and return it
7 30 to the commissioner. Any registered voter who has
7 31 been sent an absentee ballot by mail but for any
7 32 reason has not received it or who has not brought the
7 33 ballot to the polls may appear at the voter's precinct
7 34 polling place on election day and shall cast a ballot
7 35 in accordance with section 49.81. Any registered
7 36 voter who has been notified by the commissioner
7 37 pursuant to section 53.18 of the need to correct a
7 38 deficiency on the affidavit or to apply for and vote a
7 39 replacement absentee ballot and who has not corrected
7 40 the deficiency or voted a replacement absentee ballot
7 41 may appear at the voter's precinct polling place on
7 42 election day and shall cast a ballot in accordance
7 43 with section 49.81.

7 44 Sec. _____. Section 53.21, unnumbered paragraph 4,
7 45 Code 2007, is amended to read as follows:

7 46 The voter shall enclose one copy of the above
7 47 statement in the return carrier envelope with the
7 48 ballot affidavit envelope and retain a copy for the
7 49 voter's records.

7 50 Sec. _____. Section 53.23, subsection 3, Code 2007,
8 1 is amended to read as follows:

8 2 3. a. The commissioner shall set the convening
8 3 time for the board, allowing a reasonable amount of
8 4 time to complete counting all absentee ballots by ten
8 5 p.m. on election day. The commissioner may direct the
8 6 board to meet on the day before the election solely
8 7 for the purpose of reviewing the absentee voters'
8 8 affidavits appearing on the sealed ballot affidavit
8 9 envelopes. If in the commissioner's judgment this
8 10 procedure is necessary due to the number of absentee
8 11 ballots received, the members of the board may open
8 12 the sealed ballot affidavit envelopes and remove the
8 13 secrecy envelope containing the ballot, but under no
8 14 circumstances shall a secrecy envelope be opened
8 15 before the board convenes on election day. If the
8 16 ballot affidavit envelopes are opened before election
8 17 day, two observers, one appointed by each of the two
8 18 political parties referred to in section 49.13,
8 19 subsection 2, shall witness the proceedings.

8 20 b. If the board finds any ballot not enclosed in a
8 21 secrecy envelope and the ballot is folded in such a
8 22 way that any of the votes cast on the ballot are
8 23 visible, the two special precinct election officials,
8 24 one from each of the two political parties referred to
8 25 in section 49.13, subsection 2, shall place the ballot
8 26 in a secrecy envelope. No one shall examine the
8 27 ballot. Each of the special precinct election
8 28 officials shall sign the secrecy envelope.

8 29 Sec. _____. Section 53.24, Code 2007, is amended to
8 30 read as follows:

8 31 53.24 COUNTIES USING VOTING MACHINES.

8 32 In counties which provide the special precinct
8 33 election board with voting machines, the ~~absentee~~
8 34 ~~ballot affidavit~~ envelopes shall be opened by the
8 35 board and the ballots shall, without being unfolded,
8 36 be thoroughly intermingled, after which they shall be
8 37 unfolded and, under the personal supervision of
8 38 precinct election officials of each of the political
8 39 parties, be registered on voting machines the same as
8 40 if the absent voter had been present and voted in
8 41 person, except that a tally of the write-in votes may
8 42 be kept in the tally list rather than on the machine.
8 43 When two or more political subdivisions in the county
8 44 are holding separate elections simultaneously, the
8 45 commissioner may arrange the machine so that the
8 46 absentee and provisional ballots for more than one
8 47 election may be recorded on the same machine.

8 48 Sec. _____. Section 53.25, Code 2007, is amended to

8 49 read as follows:

8 50 53.25 REJECTING BALLOT.

9 1 ~~In case if~~ the absentee voter's affidavit is found
9 2 to be insufficient, ~~or that if~~ the applicant is not a
9 3 duly registered voter in such precinct, ~~or that the~~
9 4 ~~ballot envelope is open, or has been opened and~~
9 5 ~~revealed, or that if~~ the ballot affidavit envelope
9 6 contains more than one ballot of any one kind, or ~~that~~
9 7 ~~said if~~ the voter has voted in person, such vote shall
9 8 not be accepted or counted. If the affidavit envelope
9 9 is open, or has been opened and resealed, or if the
9 10 ballot is not enclosed in the affidavit envelope, and
9 11 an affidavit envelope with the same serial number and
9 12 marked "Replacement ballot" is not attached as
9 13 provided in section 53.18, the vote shall not be
9 14 accepted or counted.

9 15 If the absentee ballot is rejected prior to the
9 16 opening of the ballot affidavit envelope, the voter
9 17 casting the ballot shall be notified by a precinct
9 18 election official by the time the canvass is completed
9 19 of the reason for the rejection on a form prescribed
9 20 by the state commissioner of elections.

9 21 Sec. ____ Section 53.27, Code 2007, is amended to
9 22 read as follows:

9 23 53.27 REJECTION OF BALLOT == RETURN OF ENVELOPE.

9 24 If the ballot is rejected, ~~said ballot the~~
9 25 affidavit envelope, with the affidavit of the voter
9 26 endorsed thereon, shall be returned with ~~said the~~
9 27 rejected ballot in the envelope endorsed "Defective
9 28 ballots".

9 29 Sec. ____ Section 53.32, Code 2007, is amended to
9 30 read as follows:

9 31 53.32 BALLOT OF DECEASED VOTER.

9 32 When it shall be made to appear by due proof to the
9 33 precinct election officials that any elector, who has
9 34 so marked and forwarded a ballot, has died before the
9 35 ballot affidavit envelope is opened, then the ballot
9 36 of such deceased voter shall be endorsed, "Rejected
9 37 because voter is dead", and be returned to the
9 38 commissioner; but the casting of the ballot of a
9 39 deceased voter shall not invalidate the election.

9 40 Sec. ____ Section 53.38, Code 2007, is amended to
9 41 read as follows:

9 42 53.38 WHAT CONSTITUTES REGISTRATION.

9 43 Whenever a ballot is requested pursuant to section
9 44 53.39 or 53.45 on behalf of a voter in the armed
9 45 forces of the United States, the affidavit upon the
9 46 ballot affidavit envelope of such voter, if the voter
9 47 is found to be an eligible elector of the county to
9 48 which the ballot is submitted, shall constitute a
9 49 sufficient registration under chapter 48A. A
9 50 completed federal postcard registration and federal
10 1 absentee ballot request form submitted by such
10 2 eligible elector shall also constitute a sufficient
10 3 registration under chapter 48A. The commissioner
10 4 shall place the voter's name on the registration
10 5 record as a registered voter if it does not already
10 6 appear there.

10 7 Sec. ____ Section 53.40, unnumbered paragraph 5,
10 8 Code 2007, is amended to read as follows:

10 9 If the affidavit on the ballot affidavit envelope
10 10 shows that the affiant is not a qualified voter on the
10 11 day of the election at which the ballot is offered for
10 12 voting, the envelope shall not be opened, but the
10 13 envelope and ballot contained in the envelope shall be
10 14 preserved and returned by the precinct election
10 15 officials to the commissioner, who shall preserve them
10 16 for the period of time and under the conditions
10 17 provided for in sections 50.12 through 50.15 and
10 18 section 50.19.

10 19 Sec. ____ Section 53.44, unnumbered paragraph 1,
10 20 Code 2007, is amended to read as follows:

10 21 The affidavit on the affidavit envelope used in
10 22 connection with voting by absentee ballot under this
10 23 division by members of the armed forces of the United
10 24 States need not be notarized or witnessed, but the
10 25 affidavit on the ballot such envelope shall be
10 26 completed and signed by the voter.

10 27 DIVISION ____
10 28 CHILD CARE REGISTRATION

10 29 Sec. ____ CHILD CARE REGISTRATION == LEGISLATIVE

10 30 INTENT. It is the intent of the general assembly to
10 31 improve the safety and quality of home-based child
10 32 care in the state by increasing the number of child
10 33 care providers who are required to register under
10 34 chapter 237A and increasing the staff and resources of
10 35 the department of human services committed to
10 36 addressing home-based child care.

10 37 Sec. ____ CHILD CARE REGISTRATION CHANGES. There
10 38 is appropriated from the general fund of the state to
10 39 the department of human services for the fiscal year
10 40 beginning July 1, 2007, and ending June 30, 2008, the
10 41 following amount, or so much thereof as is necessary,
10 42 to be used for the purposes designated:

10 43 For implementation of the child care changes made
10 44 in this division of this Act:

10 45 \$ 100,000

10 46 Sec. ____ Section 237A.1, subsections 6 and 7,
10 47 Code 2007, are amended to read as follows:

10 48 6. "Child care home" means a person or program
10 49 providing child care to ~~five~~ three or fewer children
10 50 at any one time that is not registered to provide
11 1 child care under this chapter, as authorized under
11 2 section 237A.3.

11 3 7. "Child development home" means a person or
11 4 program registered under section 237A.3A that may
11 5 provide child care to ~~six~~ four or more children at any
11 6 one time.

11 7 Sec. ____ Section 237A.3, subsection 1, Code 2007,
11 8 is amended to read as follows:

11 9 1. a. A person or program providing child care to
11 10 ~~five~~ three children or fewer at any one time is a
11 11 child care home provider and is not required to
11 12 register under section 237A.3A as a child development
11 13 home.

11 14 b. The following are not required to register as a
11 15 child development home under section 237A.3A:

11 16 (1) An individual providing child care in a
11 17 private residence to not more than five children at
11 18 any one time who reside in the private residence.

11 19 (2) A relative providing care to not more than
11 20 five children at any one time who are all related to
11 21 the relative.

11 22 c. However, Notwithstanding the provisions of
11 23 paragraphs "a" and "b", the person, or program, or
11 24 relative may register as a child development home.

11 25 d. For the purposes of this section, "relative"
11 26 means an adult person who is one of the following
11 27 relatives of a child by means of blood relationship,
11 28 marriage, or adoption, or is the spouse of one of the
11 29 following relatives: a sibling, a grandparent, a
11 30 first cousin, an aunt, or an uncle.

11 31 Sec. ____ Section 237A.3, Code 2007, is amended by
11 32 adding the following new subsection:

11 33 NEW SUBSECTION. 3. a. A child care home provider
11 34 shall provide information to the parents, guardians,
11 35 and custodians of the children receiving child care
11 36 that the provider is not registered as a child
11 37 development home and that the number of children that
11 38 can be cared for at any one time by the provider is
11 39 limited to three or fewer.

11 40 b. In addition, the information shall expressly
11 41 state that corporal punishment by a child care home
11 42 provider is prohibited and list all the forms of
11 43 corporal punishment identified in section 237A.18.
11 44 The information shall also explain to the parent how
11 45 to file a complaint with the department against the
11 46 child care home.

11 47 c. The information shall be provided to parents,
11 48 guardians, and custodians either in writing at the
11 49 time of enrollment with the provider or be
11 50 conspicuously posted at the main entrance to the child
12 1 care home where it can be read by parents and any
12 2 member of the public.

12 3 Sec. ____ Section 237A.5, subsection 2, paragraph
12 4 a, subparagraph (3), Code 2007, is amended by adding
12 5 the following new subparagraph subdivision:

12 6 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has
12 7 been determined through an investigation by the
12 8 department of a complaint, a child abuse assessment,
12 9 or the existence of a criminal record to have
12 10 inflicted corporal punishment as described in section

12 11 237A.18 on an individual receiving child care from the
12 12 person.

12 13 Sec. _____. NEW SECTION. 237A.18 CORPORAL
12 14 PUNISHMENT.

12 15 A person who operates, is employed by, or resides
12 16 in a child care home, child development home, or child
12 17 care center shall not inflict corporal punishment on
12 18 an individual receiving care from the child care home,
12 19 child development home, or child care center. For the
12 20 purposes of this section, "corporal punishment"
12 21 includes but is not limited to spanking, slapping,
12 22 shaking, punishment which is humiliating or
12 23 frightening, using restraints, or enclosing a child in
12 24 a locked area. Such a person who has inflicted
12 25 corporal punishment on an individual receiving care
12 26 from the child care home, child development home, or
12 27 child care center, as determined through an
12 28 investigation by the department of a complaint, a
12 29 child abuse assessment, or existence of a criminal
12 30 record, may be subject to prohibition of involvement
12 31 with child care in accordance with section 237A.5.

12 32 Sec. _____. WORKGROUP == CHILD CARE REGISTRATION
12 33 CHANGE IMPLEMENTATION AND EARLY CHILDHOOD SYSTEM.

12 34 1. The legislative council is requested to
12 35 authorize a workgroup to address implementation of the
12 36 child care registration changes made in this division
12 37 of this Act and the issues identified in this section.
12 38 If established, the workgroup should engage
12 39 participation by representatives of the departments of
12 40 human services, education, human rights, and public
12 41 health and the state child care advisory council. The
12 42 workgroup should complete its deliberations in
12 43 December 2007 to report to the governor and general
12 44 assembly for consideration during the 2008 legislative
12 45 session.

12 46 2. The workgroup shall address the implementation
12 47 issues associated with the mandatory change in child
12 48 care registration made in this division of this Act.
12 49 The issues considered shall include but are not
12 50 limited to planning for the phase-in of and costs for
13 1 additional inspection visits of child development
13 2 homes, increased expense for state child care
13 3 assistance slots, state child care assistance
13 4 reimbursement methodologies to reward quality, and
13 5 other implementation issues.

13 6 3. The workgroup shall cooperate with early
13 7 childhood stakeholders and the private sector in
13 8 addressing the many publicly supported programs and
13 9 services directed to early childhood and issues
13 10 involved with redirecting the programs and services to
13 11 be part of a cohesive child care system. The issues
13 12 addressed shall include professional development of
13 13 workers, improving workforce, ensuring articulation
13 14 between programs, meeting the needs of both children
13 15 and parents, enhancing community engagement to support
13 16 early childhood, and other efforts to address early
13 17 childhood needs with a coordinated system.

13 18 Sec. _____. EFFECTIVE DATE == IMPLEMENTATION.

13 19 1. The following provisions of this division of
13 20 this Act take effect October 1, 2009:

13 21 a. The provision amending section 237A.1,
13 22 subsections 6 and 7.

13 23 b. The provision amending section 237A.3,
13 24 subsection 1.

13 25 2. The department shall adopt administrative
13 26 rules, assist child care providers, and expand
13 27 staffing to support the implementation of the change
13 28 in the numbers of children for which child care homes
13 29 and child development homes may provide child care on
13 30 October 1, 2009, as provided in this division of this
13 31 Act, in accordance with the funding made available for
13 32 that purpose.>>

13 33 #7. By renumbering as necessary.

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